

**REMARKS**

The Examiner has rejected claims 1-24 as being non-enabled.

The claims have been amended to more clearly comply with the enablement requirement.

The Examiner has rejected claims 1-19 and 24 as being indefinite.

Independent claims 1 and 24 have been amended to more definitely set forth the claimed subject matter.

In view of the amendments to claim 1, it is respectfully submitted that claims 13-18 are definite.

The Examiner has rejected claims 20-24 as being anticipated by Killion et al.

It is respectfully submitted that, for example, Killion et al. does not teach the use of a switching state value to trigger a smooth change in programs. In addition, Killion et al. does not teach a time-based transition.

In Killion et al., the logarithmic rectifier 270 simply has a non-linear output in response to its input (i.e., logarithmic), thus providing an output value indicative of the input but with a compressed dynamic range. This is not a time-dependent output. This value is used in a fader circuit (e.g., 205) that responds to the ambient noise level. The fader is not time-based but instead directly responsive to the noise level. See, e.g., col. 9, lines 14-25. There is no switching state value that triggers a program change. Further, such an amplifier is not equivalent to a low-pass or a ramp filter, which are time-based.

It is respectfully submitted that the present claims are not anticipated by Killion et al.

The Examiner has rejected claims 1-12, 1/19, 2/19, 3/19, 4/19, 5/19, 6/19, 7/19, 8/19, 9/19, 10/19, 11/19, 12/19 and 20 and 24 as being unpatentable over Jensen in view of Killion et al.

Jensen teaches the transition from directional to omnidirectional programs in a hearing aid. A time value T, related to the delay between a front and a rear microphone, is used to maintain amplitude, time delay and phase constant during the transition (see, Abstract). There is no teaching of how to perform a time-based transition between programs, nor is there a teaching of the use of a switching state value to make such a transition.

Killion et al., discussed above, also does not teach such elements.

Jensen and Killion et al. cannot be combined to form the present invention.

It is respectfully submitted that claims 1-12, 1/19, 2/19, 3/19, 4/19, 5/19, 6/19, 7/19, 8/19, 9/19, 10/19, 11/19, 12/19 and 20 and 24 are patentable over Jensen in view of Killion et al.

The Examiner has rejected claims 13-18, 13/19, 14/19, 15/19, 16/19, 17/19 and 18/19 as being unpatentable over Jensen in view of Killion et al. in further view of Ruegg.

Ruegg does not teach the use of a switching state value to trigger a smooth change in programs. In addition, Ruegg does not teach a time-based transition between programs.

Killion et al. and Jensen, discussed above, also do not teach such elements.

Jensen, Killion et al. and Ruegg cannot be combined to form the present invention.


It is respectfully submitted that claims 13-18, 13/19, 14/19, 15/19, 16/19, 17/19 and 18/19 are patentable over Jensen in view of Killion et al. in further view of Ruegg

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and notification of same is requested.

If there are any additional fees resulting from this communication which are not covered by an enclosed check, please charge same to our Deposit Account No. 16-0820, our Order No. 34152.

Respectfully submitted,

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Date: February 6, 2006